File No. 621

1935.

Collection No.

Mysore Residency
Bangalore.

(K)

Pros. Serial Nos. 1 — 7

Subject.

The Bangalore Municipal Drainage Law.

Previous References.

Later References.

1319/35

R Dis. 600/39.

NOTES AND PRECIS.

D.No.4334 S.N.1.

The draft Bill is said to have been approved by the Residency Surgeon. The Commissioner have, in preference to the usual method of applying a British Indian enactment with suitable modifications, resorted to the course of drafting a new law for the Station generally on the lines of the Madras Nurses & Midwives Act, 1926. Such local laws, as distinct from laws locally applied, are not however rare e.g., the Bangalore Municipal Law, 1897 the Bangalore Sanitary Improvements Law, 1906, the Bangalore House Accommodation Law, 1927 and the Bangalore Police Law, 1927.

The draft calls for the following remarks:

Cl 1 (2). 'Military units', apparently the area occupied by Military barracks etc., are proposed to be excluded from the scope of the law. The reason for such exclusion is not quite clear. It is presumably based on the assumption that there is no obvious necessity for the application of the law in such areas. It seems better however to make the law operate territorially throughout the Station instead of excluding from its scope small bits, the limits of which are not defined with precision. In this view for the words "except Military units" in this sub clause the words "of Bangalore" may be substituted.

Cl.2. A definition of the word 'Dhai' seems to be desirable. The following definition, on the lines of the definition in sec.2 of the Madras Nurses & Midwives Act, may be inserted as sub cl.(d).

"(d) 'Dhai' means an untrained woman practising the profession of mid-wifery".

5

Cl.3. In ~~sub~~ clause (a) of sub-clause 2, midwives are required to undergo a course of training in a 'recognised maternity hospital'. In ~~sub~~ cl(b) of the same sub-clause 'Dhais' are required to undergo a course of training"in a recognised institution as per syllabus laid down under the Victoria Memorial Scholarship Fund". It is not clear whether any distinction is sought to be drawn between the course of tranining intended for the two classes and if so what the distinction is. If no distinction is sought to be made, the same expression may be used in both clauses.

6

These clauses also refer to a 'recognised maternity hospital' and 'recognised institution'. The question ~~maternity~~ arises - recognised by whom - the Health Officer, the Municipal Commission, the Residency Surgeon or the Local Government? Perhaps for the words 'recognised maternity hospital' the words 'maternity hospital maintained by Government or approved by them for the purpose' may be substituted.

7

It seems also desirable to add another ~~sub~~ clause as ~~sub~~ cl.(c) to the same sub clause (no.2) so as to enable the registration in the Station of persons who have already been registered elsewhere under the law in force in such places e.g., midwives registered under the Madras Act. The following ~~sub~~ clause is therefore suggested for consideration.

"(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the local Government as equivalent thereto".

Cl.7. For the words 'on the form supplied' the words 'in the form prescribed" may be substituted.

Cl.8. It is obviously undesirable that the Local Authority should delegate to its executive head the power to make bylaws. In cl.8 between the words 'its power' and 'to the President' the words 'except the power to make bylaws' may therefore be inserted.

New cl.9 to be inserted. The definition of "preseribed in sub cl.(b) of cl.2 includes "prescribed by rules." But no provision is made in the draft law for making rules by any authority. Such power may, as is the practice in all Acts, be vested in Government - the local Government in this instance, and the following inserted as new cl.9, the remaining clauses being renumbered.

"9. The local Government may, after previous publication in the Official Gazette, make rules to carry out all or any of the purposes of the law, not inconsistent therewith"

Cl.9. In sub clause(i) of cl.9, which may be renumbered 10, for the words 'not inconsistent with this Act or any other law' the words 'not inconsistent with the provisions of this or any other law or the rules made thereunder' may be substituted.

After clause(d) sub clause(i) the following may be inserted as cl (e) on the lines of cl.(b) of sec. 12 of the Madras Nurses and Midwives Act viz.,

"(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais".

Cl.10 & 11. may be renumbered 11 and 12 respectively

As penalty for the offences specified in these clauses, it is proposed to make provision for the award of imprisonment and also imprisonment and fine

fine. ~~In lieu of fine only~~. The corresponding provisions of the Madras Act (sec. 13 and 14) provide for a penalty of fine only and the local law may therefore conform to those provisions. The words "or with imprisonment which may extend to six months or with both" in cl.10 and the words "or with imprisonment which may extend to one month or with both" in cl.11 may be omitted.

15 The case may be sent u/o to the Residency Surgeon for remarks on the suggestions made above. He may also be requested to attach to the file a copy of the syllabus of the Victoria Memorial Scholarship Fund.

16 If the amendments proposed above are made, the draft will again have to go before the Commission for approval.

27-5-35

(From para 1)

Secy.

17

Para 3 of notes.

It certainly seems better that the law should extend to the whole of the Civil and Military Station; and it seems unlikely that the Military authorities would raise any objection to this. In any case the words "except Military units" do not convey a very clear indication of what is meant. The President, Municipal Commission, might be asked to consult the Military authorities and to amend clause 1(2) as suggested in para 3 of the notes, if there is no objection to this. In the alternative

alternative, he may be asked to suggest a form of wording whose meaning is clearer.

18 Para 4 of notes.

In addition to the definition of dhai, it seems advisable to define "midwife" also. The President, Municipal Commission may be asked to consider this.

19 Para 5 of notes.

It seems clear that there is a distinction between the two courses of traning; and no alteration in the draft seems necessary in this respect.

20 Para 6 of notes.

The terms "recognised maternity hospital" and "recognised institution" certainly appear to require further definition. The President, Municipal Commission, may be asked to consider this.

21 Para 7 of notes.

It seems necessary to make provision for registration of midwives and dhais who have already been registered elsewhere. The President, Municipal Commission, may be asked to consider the addition proposed in para 7 of notes.

22 Para 8 of notes.

The President, Municipal Commission may be asked to consider the amendment proposed.

23 Para 9 of notes.

The Local Authority certainly should not delegate its power to make bye-laws. The President, Municipal Commission, may be asked to consider this point. It seems doubtful also whether it should delegate its power to make rules. (See paragraph 24 below)

24 Para 10 of notes.

Some addition on these lines seems necessary. The President, Municipal Commission, may be asked to consider the addition proposed in para 10 of notes.

25 Paras 11 and 12 of notes.

The amplification and addition proposed in these two paras seem to be advisable; and the President, Municipal Commission, may be asked to consider them.

26 Para 14 of notes.

There may be particular local reasons for not following the Madras lead in this respect. The President, Municipal Commission, may be asked to consider the point and if he considers that our rules should provide for a punishment of imprisonment, to give reasons in support of the view.

27 Before I submit the case for Resident's orders, the file should be sent unofficially to the President, Municipal Commission, who should be asked to consider (in consultation with the Residency Surgeon) the points raised in the notes on this file and report what amendments (if any) he would make in the draft in the light of these remarks. When returning the file, he may be asked to enclose with it a copy of the syllabus of the Victoria Memorial Scholarship Fund.

29.6.35

CIVIL & MILITARY STATION, BANGALORE * MUNICIPAL OFFICE * No. 10197 3 JUL. 1935

To

The President, Municipal Commission.

U.O. No. 4334 dt. 29.6.35

28 *Returned with the following remarks :-*

(i) *Clause 1 (2). The Military Authorities who have been consulted, consider it desirable that the Law should be applicable to Military as well as Civil areas. The amendment proposed may therefore be adopted.*

(ii) para 4 + 18 ante

Clause 2. *The proposed new sub-clause (d) defining 'Dhai' may be adopted, but the term "Midwife" is sufficiently well understood so that no definition seems necessary. The Madras Act does not define the term.*

(iii) para 7 + 19 ante

Clause 3. *I see no objection to the proposed amendment viz. the use of the same expression in clauses (a) and (b) of sub-clause (2) in its altered form. There is also no objection to the proposed additional sub-clause (c).*

para 6, 1, 22 + 23 (iv) ante

Clause 7 & 8. *No objection.*

para 10 + 24 ante (v)

New Clause 9. *This additional clause may be adopted.*

para 11, 13 + 25 ante (vi)

Old Clause 9. *No objection to the amendments proposed.*

para 14, 26 ante (vii)

Old Clause 10 & 11. *I think the provision for imprisonment may be retained.*

The Residency Surgeon who was consulted observes as follows:-

" I am convinced of the wisdom of retaining the imprisonment clause. Like the "Safeguards" in the new Federal Constitution, it will probably never need to be used, but is <u>most</u> useful to have in the background. "

× cont'd 13 (M)

A copy of the syllabus of the Victoria Memorial Scholarship Fund, is enclosed.

OFFICE OF THE RESIDENT IN MYSORE, BANGALORE.
21 AUG. 1935
Regd. No. 8062
File. No.

President, M. C.

To

The Secretary to the Hon'ble the Resident in Mysore, Bangalore, *U. O. No.* *10197/34* *dated* *20th August 1935*

2/18

30)

The President, Municipal Commission, has accepted all points in the draft Bill which were proposed for amendment except the following:

(i) the definition of the term ' Midwife'
(ii) the provisions regarding imprisonment.

The views of the P.M.C. on these two points may perhaps be accepted.

31

Disability of unregistered persons. Clause 6 of the draft prohibits an unregistered woman from attending another in child birth habitually and for gain. But the draft does not provide any penalty against any person who contravenes this provision of Law. In the absence of a penalty for contravention the provision will be a dead letter. The disability which attaches to an unregistered person under section 10 of the Madras Act is that she is prevented, after the lapse of 3 years from the commencement of the Act, from being employed except with the special sanction of the Govt. in any hospital not supported entirely by voluntary contribution As the object of the present draft Law apparently is to compel every woman practising the profession of midwifery to get registered, after undergoing the necessary training, and to prohibit the unregistered from practising a penalty of Rs.50/- fine on conviction may perhaps be provided. The Health Officer says in his note to the Council that there are 10 midwives and 23 trained Dhais and that the former can attend to 1400 cases and the latter to 1,000/- cases a year. But the average annual number of births is reported to be over 5,000/- a year. The existing number of trained women is apparently not sufficient to deal with the number of births. It may therefore be provided that the penalty will operate only

after a period of 3 years or such further period as the Resident may fix, from the date when the Law comes into force. Three years will be a sufficient period within which the necessary number of persons may get trained and registered. If this is found insufficient, the Resident could thereafter suitably extend the period. If approved, the following may be added as Subclause (2) to clause 6, the existing clause being renumbered as subclause (1) ;-

" If after the expiry of a period of 3 years or such further period as by notification in the Residency Orders the Residency may fix, any woman contravenes the provisions of subsection (1), she shall, on conviction, be liable to a fine not exceeding Rs.50/- "

The draft does not contain a provision corresponding to subsection (3) of section 1 of the Madras Act regarding the date when the Law is to be brought into force. In the absence of an express provision the Law will come into force from the date of its notification in the Gazatte of India. Though clause 6 of the Bill prohibits a woman who is not registered under the Law from attending on another in child birth, after the Law has come into force, no serious inconvenience is likely to arise from such circumstace owing to the fact that no penalty will attach to such person until after the lapse of 3 years. No special provision need therfore be made regarding the date when the Law is to be brought into force.

A copy of the draft Law with amendments proposed to be made therein is placed below. The original draft Law was passed by the Municipal Commission. But it does not appear that the amendments accepted by the President have been placed before it. The correct procedure appears to be to obtain the Commission's assent to the amendments proposed before the draft is further proceeded

with.

34 There is also for consideration another point which is connected with the procedure in enacting legislation. The practice in British India and elsewhere in initiating legislation is to publish in the Official Gazatte a draft of the Bill with a statement of objects and reasons and short notes on clauses, to elicit public opinion. The Bill is introduced in the Legislative Council at a later stage. A similar practice does not obtain in the Station. It seems desirable however to adopt this practice in regard to legislative proposals affecting the Station. If this suggestion is approved the draft after it is received back from the Municiapl Commission will first be published in the Residency Orders for opinion. The Govt. of India will be addressed thereafter, after considering the suggestion received if any.

35 A draft to the P.M.C. is submitted.

lle.
10/x/35.

(illegible)

Secy.

36 Thanks. Draft may issue.

37 Japan Tax publication in Residency Orders will eventually be necessary before we address G.o.I.

Chief
14.10.35.

S. N.(2) note

Dy. No. 11731 D.N.3

The two further amendments suggested by the Commission may be accepted. They have been incorporated in the copy of the draft at Cor. pages 16-19.

The draft/may be published in the Residency Orders for opinion. Draft submitted.

(Page 7)

7/XII/35

I think we should allow a full two months for criticisms or objections: and grant Thompson's suggested extension of the date from 1.2.36 to 1.3.36.

16.12.35

As proposed –

I think "punishable" should be substituted for "punished" in § 7(2).

§ 9 is not very clearly drafted – Are the words "not inconsistent therewith" necessary? Rules to carry out the purposes of the Law can hardly be inconsistent with it (them?)

17/12/35

Reference remarks regarding sec.9 in para 41

42 The only object in retaining the words ' not inconsistent therewith ' i.e., with it (the Law) is to emphasise the subordinate character of the power of legislation (subsidiary) by way of rules or bye-laws which is entrusted to a Govt. or Local Authority. Compare similar expressions in sec. 21 of the Bangalore Police Law and sec. 175 of the Bangalore Municipal Law. The words however are not essential and may be omitted if considered unnecessary.

5th slip (I)

There seems however one other point which appears to have been overlooked. It seems necessary to add one section to the draft which would enable a bye-law or rule making authority to lay down a penalty to enforce a rule or bye-law . The following draft is for consideration.

"11. In making any rule or bye-law the Local Govt. or the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs.50/-"

Existing sec.11 and those which follow will be renumbered.

lle.
29/XII

(From para 41)

44. For sec. 9 we might say :—

" The Local Govt. may, after previous publication in the Official Gazette, make rules not inconsistent

with his law for the purpose of carrying out all or any of the objects and purposes thereof."

Cf. also sec. 10.

48. The addition suggested in para. 43 ante should, I think, be made.

23.12.35

Rfd=

46

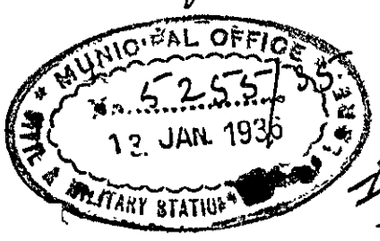
I agree. The Municipal Commission will previously have to be consulted again before the final Act is published.

25/12/35

27/12/35

The file may be sent unofficially to the President Municipal Commission, C & M Station, Bangalore, with reference to para 46 ante.

Supdt.



7.1.36

8.1.36

9.1.36 (para 47)

To

The President, M.C.

U.O.J. No. 11731 9.1.36

14

5-25-5-/35 with File
D/15-1-36

(48) The alterations & additions proposed are accepted. They need not be placed before the Commission

Jr 16/1

Mysore
15/1
DMe

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
16 JAN. '6
Regd. No. 985
File. No. ...

0-20

(49) The re-casting of Section 9, as suggested in para 44 ante, the addition of Section 11 and the re-numbering of existing section 11 and those which follow have been incorporated in the copy of the draft at cor.pp.16-19.

It does not appear to be possible to publish the Draft Law in the Residency Orders earlier than in the issue of 15-2-1936. It seems necessary, therefore, (please see para 40 ante), to extend the date for the receiving of criticisms and objections until 15-4-1936. Draft submitted

ASRao 29.1.'36.

(para 44)

30.1.36

Leg.

50 Please revised the draft to follow the Cocoy model, which is a much better one, and which should be followed in future. Done.

12.2.36

S.N (H) issue

51 page 23 (M)

. Please see S.N. 4. No objections or suggestions have been received. Draft to the Government of India is submitted for approval.

AsRao 13-2-37

(para 51)

Secretary.

52 But surely we must inform H.G.I. That the Draft Law has been published for criticism and That no objections or suggestions have been received ? The draft to G.o.I is very sketchy ; and it must be expanded on these lines. If Indl. clerk finds any difficulty, he must look up past precedents.

Lothe
15.2.37

53 A revised draft is submitted for approval, with reference to para 52.

AsRao 6.3.37

(para 53)

Secretary.

Lothe
8-3-37

Read

54 may come.

Gupta

Lothe 17/3

Extract from Notes in File 1319-35

* * * * * * * * *

55 15. I agree that, in the case of a special local law, it is better to say "Resident" than "Local Government".

* * * * * * * * *

T.P.
15-3-37

Necessary corrections made in the draft

AsRao
17.3.37

S.N.C5) issue

Draft

Dy.No.5922. S.N. 6

56 The notification of the Political Department may as usual be published in the Mysore Residency Orders. Fifty spare copies may also be obtained from the press for use in office and for being supplied to ~~local officers~~ the P.M.C.

57 Draft submitted.

(from para 5).

mas.
17.6.37

AsRao
17.6.37

18.6.

S.N.(7). issue.

Record

CORRESPONDENCE.

13—2,000—5—4—1934.

No. 10197/34. Encs. 4.

CIVIL AND MILITARY STATION, BANGALORE
MUNICIPAL OFFICE.

DATED 30th April 1935.

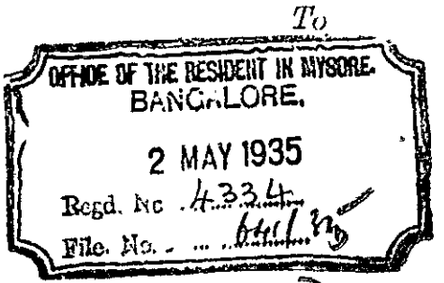
From

F. R. BRISLEE, Esq., I.C.S.,
~~Ixxlx Mxcx IVEBxEsqxxlxcxs~~,

President, Municipal Commission,

Civil and Military station, BANGALORE.

To



The Secretary to the Hon'ble the Resident
in Mysore,
BANGALORE.

SIR,

I have the honour to forward, herewith, draft of a law to regulate the registration of midwives and dhais in the Station, approved by the Municipal Commission at their Special Meeting held on the 25th April 1935 (vide copy of Resolution No.1 - Special Meeting - dated the 25th April 1935 enclosed), and to request that the Hon'ble the Resident may be pleased to obtain the sanction of the Government of India for the introduction of the said law in the Civil and Military Station, Bangalore.

2. The draft was prepared by the Health Officer of this Municipality on the lines of the Madras Act and approved by the Residency Surgeon. I enclose for the perusal of the Hon'ble the Resident, copies of the following papers:-

(1) Health Officer's note dated the 20th January 1935 which gives a brief history of the case and shows the necessity for the introduction of legislation in regard to the matter.

(2) Extract from the proceedings of the meeting of the Executive Committee of the Maternity & Child-Welfare Association, Civil and Military Station, Bangalore, dated the 14th December 1934, with reference to which the Health Officer submitted the note referred to in (1) above.

(3) Extract from the proceedings of the Health Committee, dated the 18th February 1935, on the subject, with reference to which the Health Officer prepared the draft law.

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT, M. C.

30-4-35.
K.N.S.

Municipal Commission's resolution dated the 25th April 1935. (Special Meeting).

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1. Consideration of the draft of a law to regulate the registration of midwives and dhais in the Station.

Recommended.

Resolved that the draft of a law to regulate the registration of midwives and dhais in the Station, be approved and be submitted to the Hon'ble the Resident for obtaining the sanction of the Government of India.

(File No.194 of 1924).

(Sd). F. R. Brislee.
PRESIDENT, M. C.

'C o p y'.

DIW.
K.N.S.

Health Officer's Note dated the 20th January 1935.

President.

1 As far back as twenty years, this subject was brought up by the late Health Officer Dr. Amritraj, but it was thought premature at that time and deferred. It again came up before the Commission in the year 1924, when a Sub-Committee was appointed to report on it. The then Vice-President put up a note that registration of midwives and nurses did not come within the scope of the present Municipal Law, and that the subject ~~was~~ be postponed till the New Law is drafted. The Commission accordingly deferred it. At the meeting, Dr. Pani suggested that untrained midwives may, in the meantime, be intimated of the proposed legislation and asked to take up the training. The President very much doubted how far this would have any effect. Experience has proved this. Action has since been taken to get the dhais to take up the necessary training by persuasion, payment of rewards, etc. This did not, however, prove successful, as the response has been very poor.

2 The subject of indigenous dhais came up again before the Commission in the year 1927, but in a different form. With a view to have some control over them, it was suggested by the Health Officer that remuneration be paid to Dhais for reporting cases to us before confinement, and that the Municipal midwives be given some remuneration to supervise such cases. This was going to cost about Rs.1,400/- per year. This was considered in 1929 and not sanctioned. The local Maternity Association pays a reward of Annas 0-8-0 to an indigenous dha for reporting a case before confinement.

3 The Maternity and Child-Welfare Association which is affiliated to the Lady Chelmsford League was paying two stipends of Rs.15/- per mensem each and training candidates in midwifery every year since 1923. In the years 1928 and 1929, they started to train indigenous dhais by organising classes for two weeks, during and after the Baby Week Celebrations, as they were receiving an annual grant for this specific purpose from the Victoria Memorial Scholarship Fund.

4 A list of dhais in the Station was prepared in the year 1930. They were over 100. It was a revised list of the previous one. A batch of dhais was selected and they were given bi-weekly classes for one year in elementary principles of obstetrics by the Lady Doctor during 1931. The Health Visitors are doing this work now. They are

paid Annas 0-4-0 for attending each lecture and are also paid Annas 0-8-0 for reporting a confinement case to our staff, who supervise it. They are also supplied with simple outfits free. A batch is selected annually, and they are given training as per scheme laid down by the Victoria Memorial Scholarship Fund.

Great difficulty was experienced in getting the dhais to take these classes, even after payment of rewards. 23 dhais have been trained under this scheme, of whom over 60 Per Cent passed the required examination.

There are over 5,000 births annually in the Station. I am giving below the number of cases conducted by dhais during the past five years in the Station:-

Year		Number.
1929-30	..	1,526.
1930-31	..	1,236.
1931-32	..	1,412.
1932-33	..	722.
1933-34	..	697.

The above figures will show that indigenous dhais are losing ground year after year. During the previous five years, they had an average of over 1,340 cases per year.

We have 10 maternity midwives in our service, who conduct an average of over 1,400 cases per year, which forms about 27% of the total births in the Station. Average cases per year for a midwife are 140. Those who are posted in crowded areas have more cases and others less. We have now 23 trained dhais. They can very easily conduct 700 to 1,000 cases per year, which are being attended to by dhais now. It will work an average of 40 to 50 cases per year for each.

Dhais are a necessity to the poorer classes to-day. There is still a section amongst them, who will not take to the services of a qualified midwife. For such people we want dhais. The suggestion in having a registration is not to remove this class of midwife completely, but to make them suitable for our purpose by giving them a training suited to them. As we have a sufficient number of trained dhais, the proposed legislation will not cause any hardship on the poorer classes.

The difficulty which is experienced now is that the majority of dhais refuse to have any sort of training, and are very obstinate and refractive. They do not yeild to persuasion or payment of rewards. A second factor which is still worse is that new ones are taking to this

profession at the risk of lives. Unless this is controlled, we will remain practically where we were regarding this problem even after training a batch annually. After legislation, new dhais could be stopped from entering the profession. Out of the existing ones, such as are suitable for training could be given the necessary training and registered.

(10) As we have now a certain number of trained dhais, as the number of cases conducted by them has dropped down, and as 75% to 80% of the births in the Station are attended by trained and qualified persons and at the Hospitals, I am of opinion that introduction of a legislation for registration of midwives and dhais will not be premature. We have no provision in the Municipal Law for this, but we could move the Local Government to have an enactment, as has been done in the Madras Presidency. It will be on the same lines as other similar enactments introduced in other provinces.

(Sd). M. R. GOVERDHAN.

HEALTH OFFICER.

'C o p y'.

DIW.
K.N.S

Extract from the proceedings of the Meeting of the Executive Committee of the Maternity and Child-Welfare Association held on the 14th December 1934.

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* * *

II. Regarding the training of dhais in the Station.

Resolved that the Committee strongly recommends that the registration of midwives and dhais should be introduced in the Station. The President, Municipal Commission, be requested to take necessary action as soon as possible.

(Sd). S. B. MacIver.

CHAIRMAN.

'Extract'.

(Sd). M. R. Goverdhan.

Honorary Secretary.

'C o p y'.

DIW.
K.N.S.

7

EXTRACT FROM THE PROCEEDINGS OF THE INSPECTION OF THE HEALTH COMMITTEE DATED 18-2-1935.

* * *

No:	Subject.	Recommendation.
*	*	
36.	File re: registration of Dhais.	The Health Committee is of opinion that registration of midwives and dhais is an urgent necessity and recommends to the Commission that immediate steps be taken to introduce such legislation as may be necessary.

(Sd). J. B. HANCE.
Lt.-Col., I.M.S.,
CHAIRMAN.
HEALTH COMMITTEE.

(Sd). M. R. GOVERDHAN.
HEALTH OFFICER.

President.

Submitted through the Executive Engineer. Item No.36

File will be sent to the Head Office direct.

(Sd). M. R. GOVERDHAN.
22/2.
HEALTH OFFICER.

'C o p y'.

DIW.
K.N.S.

Telephone.

Issued at 7.10.P.M.
13/5/35.

From
The Supt., R.O.

To
The Dy. Ml. Commr.
C.T.M Station,
Bangalore

Reference the President's letter No. 10197/34, dated the 30th April 1935, regarding the Law for the Registration of Midwives and Dhais in the Station. The draft referred to in the letter has not been received in this office.

will you kindly therefore arrange to send a copy as early as possible -

For Supt.

13.5.

4 H.C

Draft Law regarding the Registration of Midwives and Dhais in the Civil and Military Station, Bangalore.

Statement of Objects and Reasons.

As there is no control at present over the qualified midwives and indigenous dhais in the Station it is necessary to have such legislation in the interest of the general public. Such legislations exist in the Provinces of Madras and Burma. The proposed legislation is on the lines of the Madras Act with modifications to suit ~~our~~ local conditions.

PREAMBLE. Whereas it is expedient to provide for the registration ~~for~~ of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows:-

Title. 1. (1) This Law may be called the Bangalore Midwives and Dhais Law 19 ..

Extent. (2) It shall extend to the whole of the Civil and Military Station (except military units.)

Definition. 2. In this Law, unless there is anything repugnant in the subject or context:

(a) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(b) 'Prescribed' means 'prescribed by rules or bye-laws made under this Law '.

(c) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'.

Registration of midwives and dhais. 3. (1) The Local Authority shall maintain a register of midwives and a register of dhais.

(2) The following persons shall be entitled to registration under this Law, namely :

(a) Midwives who have undergone a course of training for

for one year in Midwifery and Gynaecology in a recognised maternity hospital, have passed a qualifying examination and obtained a diploma in midwifery and fulfil the further conditions prescribed therefor.

(b) Dhais who have undergone a course of training for one year in Midwifery and Gynaecology in a recognised institution, as per syllabus laid down under the Victoria Memorial Scholarship Fund, have passed a qualifying examination and obtained a diploma in midwifery and fulfil the further conditions prescribed therefor.

Removal and restoration of name.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or dhai which has been so removed.

Appeal from Local Authority.

5. Any midwife or dhai aggrieved by an order of the Local Authority may within three months from the date on which notice of such order is given to her, appeal against the order to the Local Government and the Local Government shall give such directions as it thinks proper and the Local Authority shall comply with any directions so given.

Disabilities of unregistered persons.

6. No woman, unless she is registered under this Law shall attend any woman in childbirth, habitually and for gain.

7. Every child birth conducted by midwife or dhai shall be reported within 24 hours to the Health Officer on the form supplied by the Local Authority.

8. The Local Authority may delegate its powers to the President, Municipal Commission, Civil and Military Station.

Bye-laws by the Local Authority.

9. (1) The Local Authority may make bye-laws not inconsistent with this Act or any other law.

(a) for regulating the formation, maintenance and

and publication of the register showing the names of registered midwives and dhais with their residential address.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which and the manner in which the midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration.

(2) No bye-laws made by the Local Authority shall come into force until it has been confirmed by the Local Government.

(3) Every such bye-law shall, when so confirmed, be published.

Penalty for dishonest use of certificate, for procuring registration by false means, and for falsification of certificates.

10. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Law to her or to any other person,

(b) procures or attempts to procure the registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation whether in writing or otherwise or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Law,

shall be punishable with fine not exceeding two hundred and fifty

fifty rupees or with imprisonment which may extend to six months or with both.

alty for sing as egistered nidwife or dhai by a person who is not such.

11. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or signboard, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees or with imprisonment which may extend to one month or with both.

12. No Magistrate other than a Magistrate of the First Class shall take cognisance of or try any offence under this Law.

Enclosure to this office letter No.10197/34 dated the 30th April 1935.

C Thandavan

Secretary, M. C.

MVL.
13-5-35.

VICTORIA MEMORIAL SCHOLARSHIPS FUND.

RULES FOR CLASSES UNDER THE V. M. S. FUND.

1. Classes of preliminary instruction may be held for longer or shorter periods and dais may be encouraged to attend them, not with the intention of preparing for examination but rather in order that the instructor may become acquainted with the dais and may select those who are suitable for a more extensive training and examination. But, as passing an examination means giving a certificate, it should be clearly understood that no dai is selected for this further training unless she is really desirous of learning cleanly midwifery and prepared to practice it afterwards to the best of her ability. Dais may be encouraged to attend these preliminary courses again and again as often as possible. Even though they never become certificated dais they may improve to some extent.

The little book "First Lessons for Country Dais" has been prepared for the V. M. S. Fund for this purpose and should be used at all such classes of instruction. Rewards may be given to the dais, both for attendance and progress.

2. Dais appearing for the examination of the V. M. S. Fund must submit evidence as follow :—

(1) Of having attended a course of instruction under a doctor or qualified midwife for not less than one year.

(2) Of having attended at least 90 per cent. of the periods of instruction (which should not be less than 75 in number) and should include practical as well as theoretical instruction.

(3) Of having attended at least 20 cases of labour under supervision of a doctor or qualified midwife, either in hospital or in the patient's home.

Syllabus.

Theoretical.	Practical.
1. Elementary anatomy of female pelvis and generative organs.	1. The mechanism of labour (with model and mannequin).
2. The hygiene of the home.	2. Examination, external and internal (with model and mannequin).
3. Pregnancy and preparation for labour.	3. How to mix a suitable antiseptic lotion for the hands.
4. Management of natural labour.	4. How to disinfect the hands before examination.
5. Malpresentations.	5. How to prepare scissors and ligature for the baby's cord.
6. Delayed labour.	6. How to bathe a baby.
7. Complications during labour.	7. How to prepare a baby's bottle.
8. Antiseptics.	8. How to tie the cord.
9. Management of puerperal period.	9. How to revive an asphyxiated baby.
10. Puerperal fever.	10. How to prepare a bed for labour.
11. Disinfection of person and clothing.	11. How to change a bed without moving the patient.

Theoretical.	Practical.
12. The care of infancy.	12. How to apply a binder.
	13. How to apply a breast bandage.
	14. How to prepare a catheter (not to pass).
	15. How to give an enema.
	16. How to prepare for an obstetric operation.

VICTORIA MEMORIAL SCHOLARSHIPS FUND.

EXAMINATION FORM.

The Examiner must be a qualified doctor other than the teacher. Each candidate must be asked 5 questions, each question to count 20 per cent.

Three should be taken from the theoretical and two from the practical syllabus.

50 per cent. marks secures a pass, 75 per cent. secures an honours pass.

Name.	1	2	3	4	5.	Total.

Signature of Examiner

with qualifications.

Each of the above has attended my course of instruction in midwifery for not less than 12 months. Each has attended not less than 75 per cent. of the periods of instruction and has attended not less than 20 cases of labour under supervision.

Signature of Lecturer

with qualifications

Foot Notes.—Any woman who wishes to practice midwifery and who fulfils the necessary conditions may apply for examination and may be awarded a certificate, even if not an indigenous dai.

L.C.D.F.—300—19-11-26—G.I.P.S.

S.N.2

15

Issued 14/4 DEPARTMENT. File No.

Issued KRN 23.4.35 BRANCH. Serial No.

Draft Letter ~~Memorandum~~ ~~Telegram~~

Class for telegrams	Ordinary / Express / Urgent* / Priority / Clear Line†	*Only for Foreign Telegrams. †Not for Foreign Telegrams.

No. F.641/35 Dated 23rd October 1935

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures S.N.1

Encl. 1

(Code word for telegrams.)

To

The President, Municipal Commission, C. & M. Station, Bangalore.

Subject:- The Bangalore Midwives and Dhais Law, 1935.

Sir,

With reference to your letter No. 10197/34, dated the 30th April 1935, I am directed to ~~xxx~~ forward an amended copy of the draft Bangalore Midwives and Dhais Law, 1935, and to request that a resolution of the Municipal Commission accepting the amended draft may kindly be obtained and forwarded to this Residency.

1. The amendments proposed have underlined in the draft.

I have etc.

14/10

Secretar

S. 5.
[illegible]IPC—S1—158(Genl)MFP—(M-1933)—3-5-34—50,000 Pads.

P.T.O.

[N.B. The amendments proposed are underlined].

Draft Law for the Registration of Midwives and Dhais in the Civil and Military Station, Bangalore.

Statement of Objections and Reasons

As there is no law at present to provide for the control of C.+M. Station of Bangalore it is necessary to provide for such control by legislation. (in the interest of the general public) [Such law exists in the Provinces of Madras and Burma.] The proposed law is on the lines of the Madras Act (No. III of 1926) with modifications to suit local conditions.

Preamble. Whereas it is expedient to provide for the registration and control of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows:-

Title

1. (i) This Law may be called the Bangalore Midwives and dhais Law, 1936. 193=.

(2) It shall extend to the whole of the Civil and Military Station of Bangalore.

Definition

2. In this Law, unless there is anything repugnant in the subject or context:

(a) 'Dhai' means an untrained woman practising the profession of midwifery.

(b) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(c) 'Prescribed' means 'Prescribed by rules or bye-laws made under this Law'.

(d) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'.

Registration of midwives and dhais.

3. (i) The Local Authority shall maintain a register of midwives and a register of dhais.

(2) The following persons shall be entitled to

to registration under this Law, namely:

(a) Midwives who have undergone a course of training and instruction for one year in Midwifery and Gynaecolo in a maternity hospital maintained by Government or approved by them for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualifications as may be prescribed by the local Government.

(b) Dhais who have undergone a course of training and instruction for one year in Midwifery and Gynaecology in a maternity hospital maintained by Government or approved by them for the purpose * * * and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualification as may be prescribed by the local Govennment.

(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the local Government as equivalent thereto.

Removal and restoration of name.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or dhai which has been so removed.

Appeal from Local Authority

5. Any midwife or dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is given to her, appeal against the order to the Local Government; and the local Government shall give such directions as it thinks proper, and the Local Authority shall comply with any directions so given.

Penalty for practising midwifery by an unregistered person.

6.(1) No woman, unless she is registered under this Law shall attend any woman in childbirth, habitually and for gain.

(2) If after the expiry of a period of one year or such further period as by notification in the Residency Orders the Resident may fix, any woman contravenes the provisions of subsection (1), she shall on conviction, be liable to a fine not exceeding Rs.50/-

Penalty for failure to report child-birth.

7.(1) In every case in which a midwife or dhai conducts a child-birth she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the local authority.

(2) Whoever fails to report child-birth in contravention of subsection (1) shall be ~~punished~~ punishable with fine which may extend to Rs.50/-

Delegation of Powers to the President.

8. The Local Authority may delegate its powers, except the power to make bylaws, to the President, Municipal Commission, Civil and Military Station, Bangalore.

Power of local Government to make rules.

9. The Local Government may, after previous publication in the Official Gazette, make rules not inconsistent with this law, for the purpose of carrying out all or any of the objects and purposes thereof.

Power of Local Authority to make bye-laws.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other law or the rules made thereunder

(a) for ~~gé~~ regulating the compilation, maintenance, and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which ~~the~~ midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registeration.

(e) for the regulation and supervision of the practice of their profession by re-

registered midwives and dhais.

11. In making any rule or bye-law the Local Government or the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs.50/-

Penalty for dishonest use of certificate, for procuring registration by false means, and for falsification of certificates.

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Law to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Law,

shall be punishable with fine not exceeding two hundred and fifty rupees or with imprisonment which may extend to six months or with both.

Penalty for posing as registered midwife or dhai by a person who is not such.

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or signboard, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees or with imprisonment which may extend to one month or with both.

Magistrate empowered to try offences under this Act.

14. No Magistrate other than a Magistrate of the First Class shall take cognisance of or try any offence under this Law.

No. 5265/35- Enc. 1 S. N. 3 13—2,000—17—4—1935.

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE,
DATED 4th December 1935.

From

F. R. BRISLEE, ESQ., I. C. S.,
President, Municipal Commission,
Civil and Military Station, BANGALORE.

To

The Secretary to the Hon'ble the Resident
in Mysore,

BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
6 DEC. 1935
Regd. No. 1173 L.
File. No.

SIR,

Subject:-The Bangalore Midwives and Dhais Law - Your letter No.F.641-35/R.O.I., dated the 23rd October 1935.

I have the honour to inform you that the amended draft of the Bangalore Midwives and Dhais Law, 193 , forwarded with your letter quoted above, was placed before the Municipal Commission at their Special meeting held on the 28th November 1935, when it was resolved that the amended draft be accepted with the substitution of "1 year" for "3 years" in Section 6 (2) and the following amendment of Section 7 - (vide copy of the Municipal Commission's resolution No.1, dated the 28th November 1935, enclosed):-

"7 (1). In every case in which a midwife or dhai conducts a child birth, she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the local authority."

"(2). Whoever fails to report child birth in contravention of sub-section (1), shall be punishable with fine, which may extend to fifty rupees."

2. The period of 3 years at present provided in Section 6 (2) seems to be an unnecessarily long period, particularly in view of the fact that power is reserved to extend that period, and I agree with the Municipal Commission that one year would suffice. Section 7 (1) is merely a re-draft of the present Section 7. Section 7 (2) is new and is an addition proposed to

(OVER.....

penalise failure to report births by the midwives and dhais conducting them.

I have the honour to be,

Sir,

Your most obedient servant,

PRESIDENT, M. C.

DIW.
4-12-35.

Municipal Commission's resolution dated the 28th Novémber 1935. (Special Meeting).

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1. Letter dated the 23rd October 1935 from the Secretary to the Hon'ble the Resident in Mysore, forwarding for the acceptance of the Commission an amended cópy of the draft Bangalore Midwives and Dhais Law, 193 , and the proposal to amend Section 7 of the draft.

Recommended acceptance but with 1 year instead of 3 in Section 6 (2) and for 7 (1) re-drafted "In every case in which a midwife or dhai conducts a child birth, she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the local authority.

The President put the recommendation of the Standing Committee to the meeting and it was carried.

Resolved that the amended draft of the Bangalore Midwives and Dhais Law, 193 , forwarded by the Secretary to the Hon'ble the Resident in Mysore, be accepted with the substitution of "1 year" for "3 years" in section 6 (2) of the draft and the amendment of Section 7 as follows:-

"7 (1). In every case in which a midwife or dhai conducts a child birth, she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the local authority."

"(2). Whoever fails to report child birth in contravention of sub-section (1), shall be punishable with fine, which may extend to fifty rupees."

(File No.194 of 1924).

(Sd). F. R. BRISLEE.

PRESIDENT, M. C.

'C o p y'.

DIW.
4-12-35.

S. N 4

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THE HON'BLE THE RESIDENT IN MYSORE.

--:oOo:--

No. 23 Dated Bangalore, the 14th February 1936.

NOTIFICATION.

The following draft of the "Bangalore Midwives and Dhais Law, 1936", is published in the Mysore Residency Orders for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after the 15th April 1936. Any objections or suggestions which may be received in respect of the draft before that date will be taken into consideration by the Hon'ble the Resident.

SECRETARY TO THE RESIDENT.

Draft Law for the Registration of Midwives and Dhais in the Civil and Military Station, Bangalore.

Statement of Objects and Reasons.

As there is no law at present to provide for the control of qualified midwives and indigenous dhais in the Civil and Military Station of Bangalore it is necessary in the interest of the general public to provide for such control by legislation. The proposed law is on the lines of the Madras Act (No.III of 1926) with modifications to suit local conditions.

Whereas

Preamble.

Whereas it is expedient to provide for the registration and control of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows:-

Title.

1. (i) This Law may be called the Bangalore Midwives and Dhais Law, 1936.

(ii) It shall extend to the whole of the Civil and Military Station of Bangalore.

Definition.

2. In this Law, unless there is anything repugnant in the subject or context:

(a) 'Dhai' means an untrained woman practising the profession of midwifery.

(b) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(c) 'Prescribed' means 'Prescribed by rules or bye-laws made under this Law'.

(d) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'.

(e) "Resident" means Resident in Mysore.

Registration of midwives and dhais.

3. (i) The Local Authority shall maintain a register of midwives and a register of dhais.

(ii) The following persons shall be entitled to registration under this Law, namely:

(a) Midwives who have undergone a course of training and instruction for one year in Midwifery and Gynaecology in a maternity hospital maintained by Government or approved by them for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualifications as may be

prescribed

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prescribed by the ~~Local Government~~ Resident.

(b) Dhais who have undergone a course of training and instruction for one year in Midwifery and Gynaecology in a maternity hospital maintained by Government or approved by them for the purpose * * * and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualification as may be prescribed by the ~~Local Government~~ Resident.

(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the ~~Local Government~~ Resident as equivalent thereto.

Removal and restoration of name.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or dhai which has been so removed.

Appeal from Local Authority.

5. Any midwife or dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is given to her, appeal against the order to the ~~Local Government~~ Resident; and the ~~Local Government~~ Resident shall give such directions as ~~it~~ he thinks proper, and the Local Authority shall comply with any directions so given.

Penalty for practising midwifery by an unregistered person.

6. (1) No woman, unless she is registered under this Law shall attend any woman in child-birth, habitually and for gain.

(2) If after the expiry of a period of one year or such further period as by notification in the Residency Orders the Resident may fix, any woman contravenes the provisions of subsection (1), she shall on conviction, be liable to a fine not exceeding Rs.50/-

Penalty for failure to report child-birth.

7. (1) In every case in which a midwife or dhai conducts a child-birth she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the Local authority.

(2) Whoever fails to report child-birth in contravention of subsection (1) shall be punishable with fine which may extend to Rs.50/-.

Delegation of powers to the President.

8. The Local Authority may delegate its powers, except the power to make bylaws, to the President, Municipal Commission, Civil and Military Station, Bangalore.

Power of ~~Local Government~~ Resdut to make rules.

9. The ~~Local Government~~ Resdut may, after previous publication in the Official Gazette, make rules not inconsistent with this law, for the purpose of carrying out all or any of the objects and purposes thereof.

Power of Local Authority to make bye-laws.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other law or the rules made thereunder.

(a) for regulating the compilation, maintenance, and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration.

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

(ii)

(ii) No bye-law made by the Local Authority shall come into force until it has been confirmed by the ~~Local Government~~ Resident.

(iii) Every such bye-law shall, when so confirmed, be published.

11. In making any rule or bye-law the ~~Local Government~~ Resident or the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs.50/-.

Penalty for dishonest use of certificate, for procuring registration by false means, and for falsification of certificates.

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Law to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Law,

shall be punishable with fine not exceeding two hundred and fifty rupees or with imprisonment which may extend to six months or with both.

Penalty for posing as registered midwife or dhai by a person who is not such.

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or signboard, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees or with imprisonment which may extend to one month or with both.

Magistrates empowered to try offences under this Act.

14. No Magistrate other than a Magistrate of the First Class shall take cognisance of or try any offence under this Law.

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To

The Manager, Residency Press, for publication in the next three issues of the Mysore Residency Orders.

The President, Municipal Commission, Civil and Military Station, Bangalore with reference to the correspondence ending with his letter No.5255 dated 4th December 1935.

AR.

S. N. 5

No. F.641-35
R.O.I.

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From

The Hon'ble Lieut. Colonel C.T.C. Plowden, C.I.E.,
Resident in Mysore.

Issued
mf
31.3.37.

To

The Political Secretary to the Government of India,
Foreign and Political Department, New Delhi.

Dated Bangalore, the 31st March 1937.

THE BANGALORE MIDWIVES AND
DHAIS LAW.

Sir,

I have the honour to say that the question of the registration and control of persons practising the profession of midwifery in the Civil and Military Station of Bangalore has engaged the attention of the Municipal Commission of the Station for a long time. Statistics compiled in 1930 disclosed the fact that there were over a hundred untrained women practising the profession of midwifery in the Station. Persistent attempts made subsequently by the Municipal Commission in collaboration with institutions such as the Maternity and Child-Welfare Association to induce these dhais to undergo the necessary training proved infructuous. It is reported that there are over 5000 births in the Station annually. The disinclination of the practising dhais to undergo any sort of training, combined with the steady influx into the profession of new untrained women, calls for effective action.

Dhais are a necessity to the poorer classes, among whom there is still a section who will not utilise the services of a qualified midwife. The object in enforcing

the

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the registration of dhais is only to ensure that the profession of midwifery is practised by qualified persons. The Commission have now in their service a sufficient number of trained and qualified women. They are of opinion that it would be detrimental to public interests to defer the introduction of legislation any longer, and have therefore proposed a draft law on the subject.

The importance of the proposed measure does not need to be emphasised. The draft is based upon the provisions of the Madras Nurses and Midwives Act, 1926, with modifications to suit local conditions. It was published in the "Residency Orders" for general information and criticism; and no objection or suggestions have been received. The final draft was prepared in consultation with this Residency, and I have no further remarks to offer on it. I request that the Governor General in Council may be pleased to accord sanction to the proposed legislation. A draft notification is enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

o/c 19/3/32.

Lieut. Colonel
R E S I D E N T.

NS.

No.

GOVERNMENT OF INDIA.

Foreign & Political Department.

New Delhi, the 1937.

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to make the following law for the registration of midwives and dhais in the Civil and Military Station of Bangalore:-

Statement of Object and Reasons.

As there is no law at present to provide for the control of qualified midwives and indigenous ~~dhx~~ dhais in the Civil and Military Station of Bangalore it is necessary in the interest of the general public to provide for such control by legislation. The proposed law is on the lines of the Madras Act (No.III of 1926) with modifications to suit local conditions.

Preamble. Whereas it is expedient to provide for the registration and control of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows:-

Title. 1. (i) This Law may be called the Bangalore Midwives and Dhais Law, 1937.

(ii) It shall extend to the whole of the Civil & Military Station of Bangalore.

Definition. 2. In this Law, unless there is anything repugnant in the subject or context:

(a) 'Dhai' means an untrained woman practising the profession of midwifery.

(b) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(c) 'Prescribed' means 'Prescribed by rules or bye-laws made under this Law'.

(d) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'.

(e) 'Resident' means Resident in Mysore.

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Registration of midwives and dhais.

3. (i) The Local Authority shall maintain a register of midwives and a register of dhais.

(ii) The following persons shall be entitled to registration under this Law, namely:

(a) Midwives who have undergone a course of training and instruction for one year in Midwifery and Gynaecology in a maternity hospital maintained by Government or approved by them for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery * * * * or who possess such other qualifications as may be prescribed by the Resident.

(b) Dhais who have undergone a course of training and instruction for one year in Midwifery and Gynaecology in a maternity hospital maintained by Government or approved by them for the purpose * * * * and have passed a qualifying examination and obtained a certificate in midwifery * * * * or who possess such other qualification as may be prescribed by the Resident.

(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the Resident as equivalent thereto.

Removal and restoration of name.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto ~~xhe~~ the name of any midwife or dhai which has been so removed.

Appeal from Local Authority.

5. Any midwife or dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is given to her, appeal against the order to the Resident; and the Resident shall give such directions as he thinks proper, and the Local Authority shall comply with any directions so given.

Penalty for practising midwifery by an unregistered person.

6. (1) No woman, unless she is registered under this Law shall attend any woman in child-birth, habitually and for gain.

(2) If after the expiry of a period of one year or such further period as by notification in the Residency Orders the Resident may fix, any woman contravenes the provisions of sub section (1), ~~xhex~~ she shall on conviction, be liable to a fine not exceeding Rs.50/-.

Penalty for failure to report child-birth.

7. (1) In every case in which a midwife or dhai conducts a child-birth she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the Local authority.

(2) Whoever fails to report child-birth in contravention of sub section (1) shall be punishable with fine which may extend to Rs.50/-.

Delegation of powers to the President.

8. The Local Authority may delegate its powers, except the power to make bylaws, to the President, Municipal Commission, Civil and Military Station, Bangalore..

Power of Resident to make rules.

9. The Resident may, after previous publication in the Official Gazette, make rules not inconsistent with this law, for the purpose of carrying out all or any of the objects and purposes thereof.

Power of Local Authority to make bye-laws.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other law or the rules made thereunder.-

(a) for regulating the compilation, maintenance, and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration.

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

(ii) No bye-law made by the Local Authority shall come into force until it has been confirmed by the Resident.

(iii) Every such bye-law shall, when so confirmed, be published.

11. In making any rule or bye-law the Resident or the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs.50/-.

12. Any person who

Penalty for dishonest use of certificate, for procuring registration by false means, and for falsification of certificates.

(a) dishonestly makes use of any certificate of registration issued under the provisions of this law to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Law,

shall be punishable with fine not exceeding two hundred and fifty rupees or with imprisonment which may extend to six months or with both.

Penalty for posing as registered midwife or dhai by a person who is not such.

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or signboard, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees or with imprisonment which may extend to one month or with both.

Magistrates empowered to try offences under this Act.

14. No Magistrate other than a Magistrate of the First Class shall take cognisance of or try any offence under this Law.

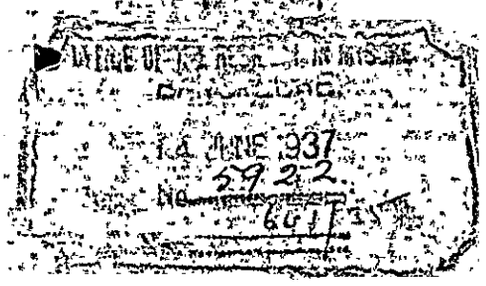
POLITICAL SECRETARY TO THE GOVERNMENT OF INDIA.

BJ

S.N.6

Copy forwarded to the Hon'ble the Resident in Mysore for information, with reference to his letter No.F.641-3D/K.O.,IV, dated the 31st March 1937

S.N.5
C.F.29-24



By order, etc.,

for Secretary to His Excellency the Crown Representative.

(3)

No. 107 I.B.

POLITICAL DEPARTMENT.

Dated Simla, the 10th June 1937

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following law for the registration of midwives and dhais in the Civil and Military Station of Bangalore:-

A Law to provide for the registration and control of qualified midwives and indigenous dais in the Civil and Military Station of Bangalore.

Preamble. Whereas it is expedient to provide for the registration and control of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows:-

Title. 1. (i) This Law may be called the Bangalore Midwives and Dhais Law, 1937.

(ii) It shall extend to the whole of the Civil & Military Station of Bangalore.

Definition. 2. In this Law, unless there is anything repugnant in the subject or context:

(a) 'Dhai' means an untrained woman practising the profession of midwifery

(b) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(c) 'Prescribed' means 'Prescribed by rules or bye-laws made under this Law'.

(d) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'

(e) 'the Resident' means the Resident in Mysore.

Penalty for failure to report child-birth.

7. (1) In every case in which a midwife or dhai conducts a child-birth she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the Local authority.

(2) Whoever fails to report child-birth in contravention of sub-section (1) shall be punishable with fine which may extend to Rs.50/-

Delegation of powers to the President.

8. The Local Authority may delegate its powers, except the power to make bye-laws, to the President, Municipal Commission, Civil and Military Station, Bangalore.

Power of Resident to make rules.

9. The Resident may, after previous publication in the Official Gazette, make rules not inconsistent with this law, for the purpose of carrying out all or any of the objects and purposes thereof

Power of Local Authority to make bye-laws.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other law or the rules made thereunder.

(a) for regulating the compilation, maintenance, and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration.

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

(ii) No bye-law made by the Local Authority shall come into force until it has been confirmed by the Resident.

(iii) Every such bye-law shall, when so confirmed, be published.

11. In making any rule or bye-law the Resident or the

the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs.50/-

Penalty for dishonest use of certificate, for procuring registration by false means, and for falsification of certificates.

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this law to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this law,

shall be punishable with fine which may extend to two hundred and fifty rupees, or with imprisonment which may extend to six months, or with both.

Penalty for posing as registered midwife or dhai by a person who is not such

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or signboard, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees or with imprisonment which may extend to one month or with both.

Magistrates empowered to try offences under this Act.

14. No Magistrate other than a Magistrate of the First Class shall take cognisance of or try any offence under this Law.

Sd/- C.L.Corfield,

Offg. Secretary to His Excellency the Crown Representative.

Registration of midwives and dhais.

3. (i) The Local Authority shall maintain a register of midwives and a register of dhais

(ii) The following persons shall be entitled to registration under this Law, namely:

(a) Midwives who have undergone a course of training and instruction for one year in Midwifery and Gynaecology in a maternity hospital maintained by Government or approved by them for the purpose and have passed a qualifying examination and obtained a certificate in midwifery * * * * or who possess such other qualifications as may be prescribed by the Resident.

(b) Dhais who have undergone a course of training and instruction for one year in Midwifery and Gynaecology in a maternity hospital maintained by Government or approved by them for the purpose * * * * and have passed a qualifying examination and obtained a certificate in midwifery * * * * or who possess such other qualification as may be prescribed by the Resident.

(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the Resident as equivalent thereto.

Removal and restoration of name.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or dhai which has been so removed.

Appeal from Local Authority.

5. Any midwife or dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is given to her, appeal against the order to the Resident; and the Resident shall give such directions as he thinks proper, and the Local Authority shall comply with any directions so given.

Penalty for practising midwifery by an unregistered person.

6. (1) No woman, unless she is registered under this Law shall attend any woman in child-birth, habitually and for gain.

(2) If after the expiry of a period of one year or such further period as by notification in the Residency Orders the Resident may fix, any woman contravenes the provisions of sub-section (1), she shall on conviction, be liable to a fine which may extend to Rs.50/-

S.N.7

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 65, dated Bangalore, the 22nd June 1937.

The following notification of His Excellency the Crown Representative is republished :—

No. 107-I.B.

POLITICAL DEPARTMENT.

NOTIFICATION.

Dated Simla, the 10th June 1937.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following law for the registration of midwives and dhais in the Civil and Military Station of Bangalore : —

A LAW TO PROVIDE FOR THE REGISTRATION AND CONTROL OF QUALIFIED MIDWIVES AND INDIGENOUS DHAIS IN THE CIVIL AND MILITARY STATION OF BANGALORE.

PREAMBLE.

Whereas it is expedient to provide for the registration and control of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows :—

TITLE.

1. (i) This Law may be called the Bangalore Midwives and Dhais Law, 1937.

(ii) It shall extend to the whole of the Civil and Military Station of Bangalore.

DEFINITION.

2. In this Law, unless there is anything repugnant in the subject or context :

(a) 'Dhai' means an untrained woman practising the profession of midwifery.

(b) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(c) 'Prescribed' means 'Prescribed by rules or bye-laws made under this law'.

(d) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'.

(e) 'the Resident' means the Resident in Mysore.

REGISTRATION OF MIDWIVES AND DHAIS.

3. (i) The Local Authority shall maintain a register of midwives and a register of dhais.

(ii) The following persons shall be entitled to registration under this Law, namely :

(a) Midwives who have undergone a course of training and instruction for one year in Midwifery and Gynæcology in a maternity hospital maintained by Government or approved by them for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualifications as may be prescribed by the Resident.

(b) Dhais who have undergone a course of training and instruction for one year in Midwifery and Gynæcology in a maternity hospital maintained by Government or approved by them for the purpose * * * and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualification as may be prescribed by the Resident.

(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the Resident as equivalent thereto.

REMOVAL AND RESTORATION OF NAME.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or dhai which has been so removed.

APPEAL FROM LOCAL AUTHORITY.

5. Any midwife or dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is given to her, appeal against the order to the Resident; and the Resident shall give such directions as he thinks proper, and the Local Authority shall comply with any directions so given.

PENALTY FOR PRACTISING MIDWIFERY BY AN UNREGISTERED PERSON.

6. (1) No woman, unless she is registered under this Law shall attend any woman in childbirth, habitually and for gain.

(2) If after the expiry of a period of one year or such further period as by notification in the *Residency Orders* the Resident may fix, any woman contravenes the provisions of sub-section (1), she shall on conviction, be liable to a fine which may extend to Rs. 50.

PENALTY FOR FAILURE TO REPORT CHILDBIRTH.

7. (1) In every case in which a midwife or dhai conducts a childbirth she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the Local Authority.

(2) Whoever fails to report childbirth in contravention of sub-section (1) shall be punishable with fine which may extend to Rs. 50.

DELEGATION OF POWERS TO THE PRESIDENT.

8. The Local Authority may delegate its powers, except the power to make bye-laws, to the President, Municipal Commission, Civil and Military Station, Bangalore.

POWER OF RESIDENT TO MAKE RULES.

9. The Resident may, after previous publication in the Official Gazette, make rules not inconsistent with this Law, for the purpose of carrying out all or any of the objects and purposes thereof.

POWER OF LOCAL AUTHORITY TO MAKE BYE-LAWS.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other law or the rules made thereunder—

(a) for regulating the compilation, maintenance, and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration.

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

(ii) No bye-law made by the Local Authority shall come into force until it has been confirmed by the Resident.

(iii) Every such bye-law shall, when so confirmed, be published.

PENALTY FOR BREACH OF RULES OR BYE-LAWS.

11. In making any rule or bye-law the Resident or the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs. 50.

PANALTY FOR DISHONEST USE OF CERTIFICATE, FOR PROCURING REGISTRATION BY FALSE MEANS, AND FOR FALSIFICATION OF CERTIFICATES.

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Law to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Law,

shall be punishable with fine which may extend to two hundred and fifty rupees, or with imprisonment which may extend to six months, or with both.

PENALTY FOR POSING AS REGISTERED MIDWIFE OR DHAI BY A PERSON WHO IS NOT SUCH.

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or signboard, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees or with imprisonment which may extend to one month or with both.

MAGISTRATES EMPOWERED TO TRY OFFENCES UNDER THIS ACT.

14. No Magistrate other than a Magistrate of the First Class shall take cognisance of or try any offence under this-Law.

C. L. CORFIELD,
Offg. *Secy. to His Excellency the Crown Representative.*

O/C
for Secretary to the Resident.

*Copy forwarded to the President, Municipal Commission, Civil and Military Station, Bangalore, for information.

*(with 25 spare copies.

226 (2)—25-6-1937—50+9—RPB.

The Bangalore Police Law, 1927

* * *

Power to make Bye- Laws.

21. (1) The Resident may, by notification in the official Gazette, make bye-laws consistent with this Law for the purpose of carrying out the objects thereof -----

* * *

The Bangalore Municipal Law, 1897

* * *

175. Power of Resident to frame forms and make rules.

The Resident may frame forms for any proceeding of the Commission for which the Resident considers that a form should be provided, and may make rules, consistent with this Law - -----

(s) generally for the guidance of the Commission --------

in carrying out the objects and purposes of the Law --------

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 65, dated Bangalore, the 22nd June 1937.

The following notification of His Excellency the Crown Representative is republished :—

No. 107-I.B.

POLITICAL DEPARTMENT.

NOTIFICATION.

Dated Simla, the 10th June 1937.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following law for the registration of midwives and dhais in the Civil and Military Station of Bangalore :—

A LAW TO PROVIDE FOR THE REGISTRATION AND CONTROL OF QUALIFIED MIDWIVES AND INDIGENOUS DHAIS IN THE CIVIL AND MILITARY STATION OF BANGALORE

PREAMBLE.

Whereas it is expedient to provide for the registration and control of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows :—

TITLE.

1. (i) This Law may be called the Bangalore Midwives and Dhais Law, 1937.

(ii) It shall extend to the whole of the Civil and Military Station of Bangalore.

DEFINITION.

2. In this Law, unless there is anything repugnant in the subject or context :

(a) 'Dhai' means an untrained woman practising the profession of midwifery.

(b) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(c) 'Prescribed' means 'Prescribed by rules or bye-laws made under this law'.

(d) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'.

(e) 'the Resident' means the Resident in Mysore.

REGISTRATION OF MIDWIVES AND DHAIS.

3. (i) The Local Authority shall maintain a register of midwives and a register of dhais.

(ii) The following persons shall be entitled to registration under this Law, namely :

(a) Midwives who have undergone a course of training and instruction for one year in Midwifery and Gynæcology in a maternity hospital maintained by Government or approved by them for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualifications as may be prescribed by the Resident.

(b) Dhais who have undergone a course of training and instruction for one year in Midwifery and Gynæcology in a maternity hospital maintained by Government or approved by them for the purpose * * * and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualification as may be prescribed by the Resident.

(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the Resident as equivalent thereto.

REMOVAL AND RESTORATION OF NAME.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or dhai which has been so removed.

APPEAL FROM LOCAL AUTHORITY.

5. Any midwife or dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is given to her, appeal against the order to the Resident; and the Resident shall give such directions as he thinks proper, and the Local Authority shall comply with any directions so given.

PENALTY FOR PRACTISING MIDWIFERY BY AN UNREGISTERED PERSON.

6. (1) No woman, unless she is registered under this Law shall attend any woman in childbirth, habitually and for gain.

(2) If after the expiry of a period of one year or such further period as by notification in the *Residency Orders* the Resident may fix, any woman contravenes the provisions of sub-section (1), she shall on conviction, be liable to a fine which may extend to Rs. 50.

PENALTY FOR FAILURE TO REPORT CHILDBIRTH.

7. (1) In every case in which a midwife or dhai conducts a childbirth she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the Local Authority.

(2) Whoever fails to report childbirth in contravention of sub-section (1) shall be punishable with fine which may extend to Rs. 50.

DELEGATION OF POWERS TO THE PRESIDENT.

8. The Local Authority may delegate its powers, except the power to make bye-laws, to the President, Municipal Commission, Civil and Military Station, Bangalore.

POWER OF RESIDENT TO MAKE RULES.

9. The Resident may, after previous publication in the Official Gazette, make rules not inconsistent with this Law, for the purpose of carrying out all or any of the objects and purposes thereof.

POWER OF LOCAL AUTHORITY TO MAKE BYE-LAWS.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other law or the rules made thereunder—

(a) for regulating the compilation, maintenance, and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration.

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

(ii) No bye-law made by the Local Authority shall come into force until it has been confirmed by the Resident.

(iii) Every such bye-law shall, when so confirmed, be published.

PENALTY FOR BREACH OF RULES OR BYE-LAWS.

11. In making any rule or bye-law the Resident or the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs. 50.

PANALTY FOR DISHONEST USE OF CERTIFICATE, FOR PROCURING REGISTRATION BY FALSE MEANS, AND FOR FALSIFICATION OF CERTIFICATES.

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Law to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Law,

shall be punishable with fine which may extend to two hundred and fifty rupees, or with imprisonment which may extend to six months, or with both.

PENALTY FOR POSING AS REGISTERED MIDWIFE OR DHAI BY A PERSON WHO IS NOT SUCH.

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or signboard, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees or with imprisonment which may extend to one month or with both.

MAGISTRATES EMPOWERED TO TRY OFFENCES UNDER THIS ACT.

14. No Magistrate other than a Magistrate of the First Class shall take cognisance of or try any offence under this Law.

C. L. CORFIELD,
Offg. *Secy. to His Excellency the Crown Representative.*

A. J. COURTNEY,
for Secretary to the Resident.

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226 (2)—25-6-1937—50+2—EPB.